

ASSEMBLY BILL

No. 60

Introduced by Assembly Member Cedillo

December 4, 2000

An act to amend Sections 1653.5, 12800, 12801, and 12801.8 of, to add Section 15250.1 to, and to repeal Section 12801.5 of, the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 60, as introduced, Cedillo. Vehicles: social security number: driver's licenses: identification cards.

(1) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number.

This bill would delete this requirement and would make related changes to reflect this deletion.

(2) Existing law requires the department to require every application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department.

This bill would revise these provisions to specify that if an applicant submits an affidavit signed under penalty of perjury, that he or she does not possess a social security number, and submits a taxpayer identification number, or other identifier, that is determined appropriate by the department, the submission of those documents shall be acceptable to the department and shall be deemed the equivalent to providing a social security number. Because the bill would expand the

scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill also would require the department to require every applicant for an original driver's license or identification card, at the time of submission of the application, to establish his or her lawful immigration status or that the applicant's presence in the United States is authorized under federal law, as specified, or show, by documentation, as specified, that an application or petition for lawful immigration status or extension of legal presence, as specified, has been initiated on the applicant's behalf, or for another person whereby the applicant would be a derivative beneficiary.

The bill would require the department to issue a driver's license or identification card having a duration of 3 years to an applicant who does not have a social security number or is in the process of obtaining lawful immigration status from the United States Immigration and Naturalization Service.

(3) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law, and prohibits the issuance of an original driver's license or identification card to any person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law.

This bill would repeal these provisions.

(4) In the case of a legal, nonimmigrant driver's license applicant, existing law requires the department to issue a temporary driver's license, valid for 90 days, under specified conditions, and provides for the adjustment of the expiration date.

This bill would delete a provision requiring the department to adjust the expiration date of the driver's license in a specified manner.

(5) Existing law provides for the issuance of a commercial driver's license by the department.

This bill would require an applicant for that license to include in the application the applicant's social security number to the extent that the inclusion of that number is required in order to be in compliance with a specified federal regulation.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1653.5 of the Vehicle Code is amended
2 to read:
3 1653.5. (a) Every form prescribed by the department for use
4 by an applicant for the issuance or renewal by the department of
5 a driver's license or identification card pursuant to Division 6
6 (commencing with Section 12500) shall contain a section for the
7 applicant's social security account number.
8 ~~(b) Every form prescribed by the department for use by an~~
9 ~~applicant for the issuance, renewal, or transfer of the registration~~
10 ~~or certificate of title to a vehicle shall contain a section for the~~
11 ~~applicant's driver's license or identification card number.~~
12 ~~(c)~~
13 (b) Any person who submits to the department a form that,
14 pursuant to subdivision (a), contains a section for the applicant's
15 social security account number, or pursuant to subdivision (b), the
16 applicant's driver's license or identification card number, if any,
17 shall furnish the appropriate number in the space provided.
18 ~~(d)~~
19 (c) The department shall not complete any application that does
20 not include the applicant's social security account number or
21 driver's license or identification card number as required by
22 subdivision ~~(e)~~ (b).
23 ~~(e) An applicant's social security account number shall not be~~
24 ~~included by the department on any driver's license, identification~~
25 ~~card, registration, certificate of title, or any other document issued~~
26 ~~by the department.~~
27 ~~(f) Notwithstanding any other provision of law, information~~
28 ~~regarding an applicant's social security account number, obtained~~
29 ~~by the department pursuant to this section, is not a public record~~
30 ~~and shall not be disclosed by the department except for any of the~~
31 ~~following purposes:~~
32 ~~(1) Responding to a request for information from an agency~~
33 ~~operating pursuant to, and carrying out the provisions of, Part A~~

~~(Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.~~

~~(2) Implementation of Section 12419.10 of the Government Code.~~

~~(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.~~

SEC. 2. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of, a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, ~~and residence address, and social security number.~~

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses, or whether the applicant has any disease, disorder, or disability which affects ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 3. Section 12801 of the Vehicle Code is amended to read:

1 12801. (a) (1) Notwithstanding any other provision of law,
2 the department shall require every application for a driver's license
3 to contain the applicant's social security number ~~and any other~~
4 ~~number or identifier~~.

5 (2) *If an applicant signs an affidavit under penalty of perjury*
6 *attesting that he or she does not possess a social security number*
7 *and submits a taxpayer identification number or other identifier,*
8 *that is determined to be appropriate by the department, the*
9 *submission of those documents shall be acceptable by the*
10 *department and shall be deemed the equivalent to providing a*
11 *social security number.*

12 (b) Notwithstanding any other law, ~~the~~ no information relating
13 to social security ~~number~~ numbers collected on a driver's license
14 application shall ~~not~~ be displayed on the driver's license,
15 including, but not limited to, inclusion on any magnetic tape or
16 strip used to store data on the license.

17 (c) (1) *The department also shall require every applicant for*
18 *an original driver's license or identification card, at the time of*
19 *submitting the application, to do either of the following:*

20 (A) *Establish his or her lawful immigration status or that the*
21 *applicant's presence in the United States is authorized under*
22 *federal law.*

23 (B) *Show by documentation that an application or petition for*
24 *lawful immigration status or extension of legal presence has been*
25 *initiated by the applicant or by another person on the applicant's*
26 *behalf. For these purposes, the applicant may produce evidence to*
27 *the department that an application or petition for lawful*
28 *immigration status or extension of legal presence has been*
29 *initiated for another person whereby the applicant would be a*
30 *derivative beneficiary.*

31 (2) *For purposes of subparagraph (B) of paragraph (1),*
32 *documentation status may include any of the following:*

33 (A) *A receipt from the United States Immigration and*
34 *Naturalization Service stating that an application or petition has*
35 *been submitted.*

36 (B) *An approval notice from the United States Immigration and*
37 *Naturalization Service stating that an application or petition has*
38 *been received.*

39 (C) *An application for an extension of I-94 to extend an*
40 *applicant's legal presence.*

(3) *The following documents are acceptable applications or petitions for purposes of subparagraphs (A) and (B) of paragraph (2):*

(A) *Petition for Alien Relative (I-130).*

(B) *Immigrant Petition for Alien Worker (I-140).*

(C) *Petition for Amerasian, Widow(er), or Special Immigrant (I-360).*

(D) *Application to Register Permanent Residence or to Adjust Status.*

(E) *Immigrant Petition By Alien Entrepreneur (I-526).*

(F) *Application for Asylum (I-589).*

(G) *Registration for Classification as a Refugee (I-590).*

(H) *Application to Adjust Status from Temporary to Permanent Resident (I-698).*

(I) *Application for Voluntary Departure Under the Family Unity Program (I-817).*

(J) *Application for Temporary Protected Status (I-821).*

(K) *Nicaraguan and Central American Relief Act-Suspension of Deportation or Application for Special Rule Cancellation of Removal (I-881).*

(L) *Application for an extension of a I-94.*

(d) *Notwithstanding Sections 12814, 12814.5, and 13002 or any other provision of law, an applicant who does not have a social security number or is in the process of obtaining lawful immigration status from the United States Immigration and Naturalization Service shall be issued a driver's license or identification card having a duration of three years.*

(e) *Notwithstanding any other provision of law, neither the department, nor its agents or employees, shall disclose any information about an applicant's social security number, absence of a social security number, or any other information collected pursuant to this section, to any public or private entity, except as permitted by federal or state law, nor shall the department, or its agents or employees, differentiate in any manner, other than for identification purposes, between applicants who do or do not have a social security number.*

SEC. 4. Section 12801.5 of the Vehicle Code is repealed.

~~12801.5.—(a) Notwithstanding any other provision of law, the department shall require every applicant for an original driver's license or identification card to submit satisfactory proof that the~~

1 ~~applicant's presence in the United States is authorized under~~
2 ~~federal law.~~

3 ~~(b) The department shall not issue an original driver's license~~
4 ~~or identification card to any person who does not submit~~
5 ~~satisfactory proof that the applicant's presence in the United States~~
6 ~~is authorized under federal law.~~

7 ~~(c) The department shall adopt regulations to carry out the~~
8 ~~purposes of this section, including procedures for, but not limited~~
9 ~~to, (1) verifying that the applicant's presence in the United States~~
10 ~~is authorized under federal law, (2) issuance of temporary licenses~~
11 ~~pending verification of status, and (3) appeals hearings from~~
12 ~~denials of licenses, temporary licenses, or identification cards.~~

13 ~~(d) On January 10, 1995, and on January 10 of each subsequent~~
14 ~~year thereafter, the department shall submit a supplemental budget~~
15 ~~report to the Governor and the Legislature detailing the costs of~~
16 ~~verifying the citizenship or legal residency of applicants for~~
17 ~~driver's licenses and identification cards, in order for the state to~~
18 ~~request reimbursement from the federal government.~~

19 ~~(e) Notwithstanding Section 40300 or any other provision of~~
20 ~~law, a peace officer shall not detain or arrest a person solely on the~~
21 ~~belief that the person is an unlicensed driver, unless the officer has~~
22 ~~reasonable cause to believe the person driving is under the age of~~
23 ~~16 years.~~

24 ~~(f) The inability to obtain a driver's license pursuant to this~~
25 ~~section does not abrogate or diminish in any respect the legal~~
26 ~~requirement of every driver in this state to obey the motor vehicle~~
27 ~~laws of this state, including laws with respect to licensing, motor~~
28 ~~vehicle registration, and financial responsibility.~~

29 SEC. 5. Section 12801.8 of the Vehicle Code is amended to
30 read:

31 12801.8. (a) ~~In the case of a legal, nonimmigrant driver's~~
32 ~~license applicant, the~~ The department shall issue a temporary
33 driver's license, valid for 90 days, if the applicant has successfully
34 completed the application and the related requirements for the
35 issuance of a driver's license under this code, including
36 subdivision (a) of Section 12805. If the United States Immigration
37 and Naturalization Service is unable to verify the applicant's
38 presence before the temporary driver's license expires, the
39 department shall, at least 15 days before the temporary driver's
40 license expires, extend the temporary driver's license for an

1 additional 120 days and notify the applicant by mail that the
2 temporary driver's license is being extended.

3 (b) If the department adjusts the expiration date of any driver's
4 license issued pursuant to this code so that the date does not exceed
5 the expiration date of a federal document submitted pursuant to
6 *paragraph (1) of subdivision (a) (c) of Section 12801.5 12801*, the
7 applicant may, upon receipt of a notice of renewal of the driver's
8 license by the department sent prior to the expiration of the license,
9 request an extension of the term of the driver's license by
10 submitting to the department satisfactory proof that the applicant's
11 presence in the United States has been reauthorized or extended
12 under federal law. ~~After verifying that the applicant's presence in~~
13 ~~the United States has been reauthorized or extended by federal law,~~
14 ~~the department shall adjust the expiration date of the driver's~~
15 ~~license so that it does not exceed the expiration date of the revised~~
16 ~~federal document submitted pursuant to subdivision (a) of Section~~
17 ~~12801.5 and complies with the related requirements of this code.~~

18 (c) ~~On or before July 1, 1997, the~~ The department shall
19 establish a procedure for receiving mailed requests for the
20 extension of driver's licenses as described in this section.

21 SEC. 6. Section 15201.1 is added to the Vehicle Code, to read:
22 15201.1. A commercial driver's license applicant shall
23 include in the application the applicant's social security number to
24 the extent that the inclusion of that number is required in order to
25 be in compliance with Section 383.153 of Subpart J of Part 383 of
26 Title 49 of the Code of Federal Regulations.

27 SEC. 7. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.